

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KAMKAIDO CRAB,

Plaintiff,

v.

NEREIDA INTERNATIONAL, *et al.*,

Defendants.

Case No. C06-0166L

ORDER STRIKING PENDING  
DISCOVERY MOTION

This matter comes before the Court on plaintiff's "Motion for Discovery Under 28 U.S.C. § 1782." (Dkt. #2). Plaintiff moves the Court for an order allowing it to obtain discovery from entities in this judicial district to aid in a proceeding in Russia.

There is no evidence in the record that plaintiff served its complaint or its motion for discovery on the defendants. The complaint was filed on January 31, 2006 and the motion was filed on February 2, 2006. The Federal Rules of Civil Procedure require service of both the complaint and the motion, and those rules apply to this case. 28 U.S.C. § 1782(a) states in relevant part:

The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal, including criminal investigations conducted before formal accusation. . . . To the extent that the order does not prescribe otherwise, the testimony or statement shall be taken, and the document or other thing produced, in accordance with the Federal Rules of Civil Procedure.

1 See also Bayer AG v. Betachem, Inc., 173 F.3d 188, 191 (3rd Cir. 1999) (explaining that “the  
2 reference in § 1782 to the Federal Rules suggests that under ordinary circumstances the  
3 standards for discovery under those rules should also apply when discovery is sought under the  
4 statute”) (internal citation and quotation omitted).

5 Accordingly, because plaintiff has not served the complaint or the motion, the motion is  
6 STRICKEN. (Dkt. #2). Plaintiff may refile the motion after it complies with the rules for  
7 service in the Federal Rules of Civil Procedure and this Court’s Local Rules.

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9 DATED this 15th day of February, 2006.

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13 Robert S. Lasnik  
14 United States District Judge  
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